

# LIBERTY



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## ACLU-NCLF Applauds U.S. Court of Appeals Ruling in Lawsuit Challenging Forsyth County Prayer Policy as Unconstitutional Endorsement of Religion



Pictured in front of the Fourth Circuit Court of Appeals in Richmond, VA, after oral arguments on May 12, 2011: Ayesha Khan, Americans United for Separation of Church and State; Constance Blackmon, plaintiff; Katy Parker, ACLU-NCLF Legal Director; Janet Joyner, plaintiff; Emily-Mary Brown, ACLU-NCLF Paralegal; Dan Mach, ACLU Program on Freedom of Religion and Belief.

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) applauded a ruling by the United States Court of Appeals for the Fourth Circuit on July 29, 2011, finding that the use of sectarian invocations to open official meetings of the Forsyth County Board of Commissioners violates the First Amendment to the United States Constitution. The lawsuit was filed in 2007 by the ACLU-NCLF, the national ACLU's Program on Freedom of Religion and Belief, and the Winston-Salem Chapter of

Americans United for Separation of Church and State on behalf of Janet Joyner and Constance Blackmon, longtime residents of Forsyth County who had attended meetings of the Forsyth County Board of Commissioners at which sectarian prayers were used.

"This ruling is a victory for our clients and for all religious minorities in Forsyth County who have felt shut out and alienated by their own government because of its public stance in favor of Christianity," said

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## A Message from the Executive Director: Reclaiming Our Liberties Ten Years After 9/11

Ten years after the devastating attacks that took place on September 11, 2001, the ACLU joins all Americans in remembering the unspeakable horror of that tragic day. The upcoming tenth anniversary of 9/11 provides an opportunity to reflect on the turbulent decade behind us and to rededicate ourselves to the fundamental values that define our nation's character, including justice, due process, and the rule of law. In the early days after 9/11, America was the land not only of the free but of the brave. Our country was united by a sense of resolve and the conviction that our nation, its institutions, its values, would not just survive but thrive.

We lost our way when, instead of addressing the challenge of terrorism in a manner consistent with our core values, our government chose the path of torture and targeted killing, of Guantánamo and military commissions, of warrantless government spying and the entrenchment of a national surveillance state, all of which now define the post-9/11 era. This is not who we are or who we want to be.

We must not let the politics of fear dominate our political and legal discourse. If we do not ratchet down the post-9/11 security state and the continuing erosion of our civil liberties, we run the risk of enshrining a permanent state of emergency. We must repudiate policies and practices that violate our nation's greatest strength — our Constitution and its enduring commitment to the rule of law. It is that strength which is our nation's best response to violence and to those who advocate violence.

Perhaps Benjamin Franklin said it best: "Any society that would give up essential liberty to gain a little temporary safety will sacrifice both and deserve neither."

Our freedoms are the very foundation of both our strength and our security. Consistent application of the rule of law is necessary to ensure that our practices don't change simply because there is a change in government leadership.

The work of the ACLU, in North Carolina and across the nation, is as urgent now as it has ever been in our 91-year history. Please renew your membership at the highest



Jennifer Rudinger, ACLU-NC/LF Executive Director

level you can afford and urge others to become "card-carrying members" as well. We also hope that all of our members and friends will sign up to receive our Action Alerts and take action by contacting key political leaders when we ask you to make your voices heard. And finally, we hope that you will reflect upon how important the work of the ACLU is and support our legal and educational programs with a tax-deductible contribution to the ACLU-NC Legal Foundation today.

Thank you very much for being a part of the ACLU. Our strength truly lies in our numbers, and we have much to do in the coming years to reclaim Americans' civil liberties and to preserve the values of justice, due process, and the rule of law.

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## Gearing Up for a Fight in September — NC General Assembly Poised to Vote on Marriage Discrimination Constitutional Amendment



Sarah Preston, ACLU-NC Policy Director

The NC General Assembly has scheduled a short legislative session to commence on September 12<sup>th</sup> to consider constitutional amendments. The so-called "Defense of Marriage Act" will be considered during that session. To get a constitutional amendment on the ballot, three-fifths of both chambers need to vote in favor of it. The counties the ACLU-NC is targeting

are: Granville, Vance, Warren, Columbus, Robeson, Bladen, Sampson, Johnston, Hertford, Bertie, Gates, Pasquotank, Dare, Hyde, Beaufort, Washington, Halifax, and Northampton. If you live in one of these counties and would be willing to work with the ACLU-NC to oppose this discriminatory measure, please email Sarah Preston as soon as possible at [aclulegis@nc.rr.com](mailto:aclulegis@nc.rr.com).

## Forsyth County

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ACLU-NCLF Legal Director Katy Parker.

The Fourth Circuit's decision last month upheld a January 2010 ruling by U.S. District Judge James Beaty that the Forsyth County prayer policy violates the Establishment Clause of the First Amendment. The Fourth Circuit decision also upheld Judge Beaty's order that the County must end or change its current prayer policy. Since Judge Beaty's order last year, the County has not opened its official meetings with sectarian prayers.

Writing the 2-1 majority opinion, Judge J. Harvie Wilkinson III explained, "Because religious belief is so intimate and so central to our being, government advancement and effective endorsement of one faith carries a particular sting for citizens who hold devoutly to another."

In early August, the ACLU-NCLF contacted attorneys who represent and advise local government bodies across North Carolina and informed them of the Fourth Circuit's decision. The case is called *Janet Joyner, et al. v. Forsyth County, North Carolina*.

"It's a matter of basic fairness," said plaintiff Janet Joyner. "Our county commissioners' meetings are official government meetings, and the government needs to treat all members of the community equally and respect people of different faiths. Sitting in the audience when sectarian prayer was used to open the meeting, it was clear that our government was not being religiously neutral or inclusive of all residents of Forsyth County."

Forsyth County is represented by the Alliance Defense Fund (ADF), a conservative Christian legal organization. At ADF's urging, the County is expected to appeal this decision to the U.S. Supreme Court.

## Under Pressure from ACLU-NC and Allies, Military Forced to End Favoritism for Evangelical Event — Must Provide Equal Treatment for Alternative Beliefs

**O**n September 25, 2010, an evangelical Christian concert called "Rock the Fort" was held on the military base at Fort Bragg. The funding came from outside private sources, but the military was involved in sponsoring and planning this religious event. After receiving complaints about the overtly religious nature of this concert, military officials claimed that they would support similar events sponsored by non-evangelical groups. But when Sgt. Justin Griffith, an atheist, proposed a concert called "Rock Beyond Belief," military brass refused to provide the same level of support for this event.

The ACLU-NCLF launched an investigation into the "Rock the Fort" concert in October 2010. Since then, the ACLU Program on Freedom of Religion and Belief, the ACLU-

NCLF, and Americans United for Separation of Church and State have combined our efforts and pushed officials at Fort Bragg to do the right thing – and the constitutional thing – by not playing favorites when it comes to religion. We urged them, at the very least, to provide the same amount of support for "Rock Beyond Belief" that the military had provided for "Rock the Fort."

We are happy to report that according to the group organizing the "Rock Beyond Belief" event, the military has backed down and has indicated that this event will receive the same level of support that was provided to "Rock the Fort." The "Rock Beyond Belief" event is planned for March 31, 2012. We are pleased to see the military honoring all of its service members equally.

### Celebrating the First Amendment...



DAVE GRANLUND © [www.davegranlund.com](http://www.davegranlund.com)

## Reproductive Freedom Under Assault in NC General Assembly

This year, we have seen unprecedented attacks on women's rights to reproductive freedom in the North Carolina General Assembly. The first such bill to become law was **House Bill 215: Unborn Victims of Violence/Ethen's Law**. This new law allows a defendant who harms a pregnant woman and, in the process, also either kills or harms the fetus, to be charged with two separate crimes.

The ACLU-NC has long supported laws which allow for enhanced penalties when a person harms or kills a pregnant woman, knowing her to be pregnant, and also harms the fetus. This kind of law strikes the appropriate balance by protecting the woman while also acknowledging the increased loss to family and friends caused by the loss of the woman's expected child.

However, by making it an entirely separate crime to injure or kill a fetus, House Bill 215 takes us down the slippery slope toward recognizing a fetus as a being separate and apart from the mother, with separate legal rights. In fact, in debate on the floor, one bill sponsor acknowledged that the real purpose of this bill is to recognize the



On May 17th, ACLU-NC/LF staff and volunteers attended a press conference at the NC General Assembly to express opposition to House Bill 854, the so-called "Woman's Right to Know" Act. Pictured above are: Chris Heaney, Ian Mance, and Jackie Azis, members of the ACLU chapter at the UNC School of Law; along with Jennifer Rudinger, Executive Director; Katy Parker, Legal Director; and Sarah Preston, Policy Director.

"unborn child" as a person. The logical conclusion at the end of this slippery slope is that the government may criminalize smoking, drinking an alcoholic beverage, and other activities by pregnant women — including abortion — on the grounds that such activities violate the rights of the fetus. Unfortunately, despite our best efforts, this bill was passed by both houses of the General Assembly and signed into law by Governor Bev Perdue in April 2011.

The second bill to pass and to become law, again with the Governor's signature, was **House Bill 289: Authorize Various Special Plates**, which authorizes the creation of a

"Choose Life" license plate that may be purchased from the DMV. The proceeds from the sale of the "Choose Life" plate would go to crisis pregnancy centers (CPC's) which are prohibited by this new law from discussing abortion with clients or from referring women to any place that counsels on or performs abortions.

At the urging of the ACLU-NC and our allies, pro-choice legislators ran amendments at every opportunity that would have authorized a "Trust Women, Respect Choice" plate, the proceeds from which would go to North Carolina branches of Planned Parenthood, but that amendment was repeatedly rejected. Alternative amendments to remove the prohibition on counseling on abortion or to require CPC's to inform clients that they are not medical professionals and that they may not discuss abortion likewise failed.

The ACLU-NC opposed this bill, arguing that by authorizing an anti-choice license plate while refusing to authorize a pro-choice license plate, the State would be engaging in viewpoint discrimination, which is unconstitutional. We are now considering

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*By including the ACLU in your will, you can leave a legacy of liberty for generations to come.*



*Thousands of passionate civil libertarians have stepped forward and expressed their most cherished values by making a deeply meaningful gift to the ACLU in their estate plans.*

*We invite you to join this special group of ACLU supporters who have made freedom, justice, and equality their personal legacy by remembering the ACLU in your estate plans.*

*To learn more, or to take advantage of our estate planning resources, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free 877-867-1025.*

# Legislative Assaults on Reproductive Freedom

(Continued from page 4)

legal action to challenge this new law on First Amendment grounds.

The final anti-choice bill to become law, this time over the Governor's veto, was **House Bill 854: Abortion — Woman's Right to Know Act**. Among other impediments to abortion, this law requires that a woman be subjected to two pages of state-scripted "counseling" designed to steer her away from choosing to terminate her pregnancy. This law also requires the woman to wait at least 24 hours after receiving this biased counseling before she may obtain an abortion. Moreover, an additional ultrasound must be performed and described to her by the doctor at least 4 hours before the abortion may be performed. House Bill 854 extends the reach of the government into the doctor's office and invades the confidential doctor-patient relationship.

The ACLU-NC and our allies worked tirelessly to prevent this bill from becoming law, and we thank our members who responded to our Action Alerts by contacting their legislators and urging them to vote "no." Unfortunately, because two legislators changed their votes, Governor Perdue's veto was overridden in both the House and Senate by just one vote at the end of July. In the House, Representative James Crawford, a Democrat from Granville County, switched his vote, voting in favor of the override after having voted against the bill in June. Then, Senator Stan Bingham, a Republican from Davidson County, decided to leave the building rather than vote against the bill, giving the Republicans the three-fifths majority they needed to override the veto. Senator Bingham voted against the bill in June and publicly opposed it. If he had voted "no" again in July, the override vote would have failed, and the bill would not have become law.

The ACLU-NC and our allies are now considering legal action to challenge this onerous law in court.

## Please Support the ACLU of North Carolina Legal Foundation By Making a Tax- Deductible Contribution Today!

Friends, we need your help! We see many challenges to Americans' fundamental freedoms looming in the courts, in Congress, in the halls of the North Carolina General Assembly, and in city councils, school boards, and boards of county commissioners across the state. As you evaluate your budget and think about your charitable contributions for 2011, please put the ACLU-NCLF at the top of your list. The demand for our services has never been greater. Our legal program processes 200-250 requests for assistance per month!

**Yes!** I want to help keep the Flame of Liberty burning brightly in North Carolina. Enclosed is a check for my tax-deductible contribution in the amount of:

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Make check payable to the  
**ACLU-NC Legal Foundation**  
and mail to:

**ACLU-NCLF**  
**P.O. Box 28004**  
**Raleigh, NC 27611-8004**

For more information or to charge your contribution on a credit card, contact Executive Director Jennifer Rudinger at (919) 834-3466 or [jrudinger@acluofnc.org](mailto:jrudinger@acluofnc.org). MasterCard and Visa accepted, and we offer monthly, quarterly, and semiannual giving options to fit your budget.

You can also make a contribution through the ACLU-NCLF's secure website at:

**[www.acluofnorthcarolina.org/?q=donate](http://www.acluofnorthcarolina.org/?q=donate)**

## ACLU of North Carolina Joins Nationwide Investigation Seeking Information on Government Cell Phone Tracking

On August 3, 2011, in a massive coordinated information-seeking campaign, American Civil Liberties Union affiliates across the nation, including the ACLU-NC, issued requests to local law enforcement agencies large and small demanding to know when, why, and how they are using cell phone location data to track Americans. The campaign is one of the largest coordinated information act requests in American history. The requests, being filed under the states' freedom of information laws, are an effort to strip away the secrecy that has surrounded law enforcement use of cell phone tracking capabilities.

The ACLU-NC sent requests to all 100 county sheriffs, as well as all police departments in cities and towns with populations of more than 30,000. Law enforcement agencies are being asked for information including: (1) whether law enforcement agents demonstrate probable cause and obtain a warrant

before accessing cell phone location data, (2) statistics on how frequently law enforcement agencies obtain cell phone location data, (3) how much money law enforcement agencies spend tracking cell phones, and (4) other policies and procedures used for acquiring location data.

Law enforcement's use of cell phone location data has been widespread for years, although it has become increasingly controversial. Recently, the general counsel of the National Security Agency (NSA) suggested to members of Congress that the NSA might have the authority to collect the location information of American citizens inside the U.S. Also, this spring, researchers revealed that iPhones were collecting and storing location information in unknown files on the phone. Police in Michigan sought information about every cell phone near the site of a planned labor protest.

The U.S. Supreme Court has agreed to decide whether police need a warrant to place a GPS track-



ing device on a person's vehicle. While that case does not involve cell phones, it could influence the rules police have to follow for cell phone tracking.

Congress is considering the Geolocation Privacy and Surveillance Act, a bill supported by the ACLU that would require police to get a warrant to obtain personal location information. The bill would protect both historical and real-time location data, and would also require customers' consent for telecommunications companies to collect location data. Please contact Senators Kay Hagan and Richard Burr and your representative in Congress and urge them to support this measure and stand up for consumers' privacy rights.

We are spending more and more time online – reading, writing, connecting, and consuming. The more time we spend online, the more information we share with the businesses that make the Internet work. We share our emails, location information, chat histories, photos, and lists of our friends. We share educational and medical information. All of this information is just as sensitive as it ever was, but the laws that protect our privacy have not kept pace with social and technological change.

The **Demand Your dotRights** campaign aims to ensure that individuals can use new technology and exer-

cise their free speech rights online while keeping their private lives safe from government intrusion. To learn more, go to [www.aclu.org](http://www.aclu.org).

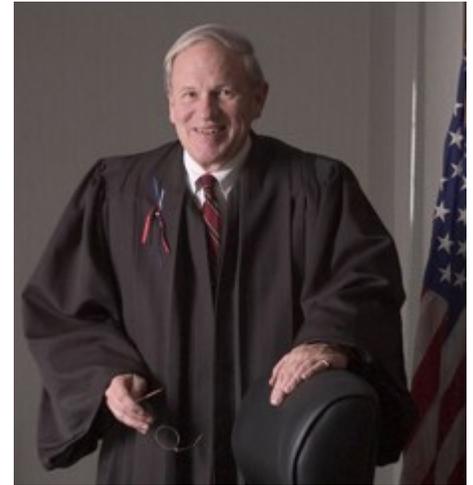


## ACLU-NC and Our Partners in *Leandro* Education Coalition Applaud Judge's Ruling That State Must Fund Programs for At-Risk Preschoolers

In anticipation of a hearing in front of Wake County Superior Court Judge Howard Manning in the ongoing *Leandro* education case, which secured the right to a sound, basic education for all North Carolina students under the state constitution, the ACLU-NC once again worked with several coalition partners to submit a friend-of-the-court brief on the state's obligation to fund programs for at-risk preschoolers. The brief, in which the ACLU-NC joined Advocates for Children's Services of Legal Aid of North Carolina, the NC-NAACP, the North Carolina Justice Center, and Disability Rights North Carolina, raised concerns that the newly ratified budget bill by the North Carolina General Assembly violates the constitutional rights of at-risk preschoolers in the school system, particularly those children who will be affected by cuts to the state's "Smart Start" program, and the effective dismantlement of

the state's "More at Four" program. These programs are critical, as they have emerged as the sole means by which the State is providing at-risk preschoolers with constitutionally-mandated sound, basic educational opportunities. Our friend-of-the-court brief asked Judge Manning to rule that the budget bill is unconstitutional and to order that it be rewritten to protect the rights of at-risk children who plan to enroll in the programs.

We are happy to report that Judge Manning did just that! On July 18, 2011, Judge Manning issued an order prohibiting the State from implementing or enforcing any part of the 2011 Budget Bill that would restrict or bar the admission of any and all at-risk 4-year-olds that apply to the pre-kindergarten program. In his order, Judge Manning stated that "[s]imply put, it is the duty of the State of North Carolina to protect each and every one of these at-risk



Judge Howard E. Manning  
(Photo credit: Wake County Superior Court)

and defenseless children, and to provide them their lawful opportunity, through a quality prekindergarten program, to take advantage of their equal opportunity to obtain a sound, basic education as guaranteed by the North Carolina Constitution."

A copy of our brief and Judge Manning's order can be found at [www.acluofnorthcarolina.org](http://www.acluofnorthcarolina.org).

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## After Numerous Complaints Filed By ACLU-NC, Department of Homeland Security Finally Launches Investigation Into Wake County Jail

During late 2009 and early 2010, the ACLU-NC interviewed individuals detained in the Wake County Jail under the 287(g) program. Under that program, Wake County Sheriff Donnie Harrison has partnered with the U.S. Department of Homeland Security's Immigration and Customs Enforcement to enforce immigration laws at the local level. During the interviews, we compiled complaints from 57 people regarding the conditions of their detention under the Wake County 287(g) program. These complaints allege various abuses, including: (1) detainees forced to

sign their names to documents, including "voluntary" departure documentation; (2) detainees not being informed of their right to contact their consulate; (3) detainees not provided an interpreter; (4) detainees not informed of their right to an attorney or to remain silent; (5) verbal abuse and threats of deportation; (6) excessive use of force; and (7) racial bias on the part of the arresting agency.

The Department of Homeland Security's Office of Civil Rights and Civil Liberties (OCRCL) encourages individuals and groups to submit complaints about 287(g) programs

around the country. The ACLU-NC submitted the complaints we compiled from 57 individuals to OCRCL back in April 2010. OCRCL finally notified us in June 2011 that it was launching an investigation into the Wake County 287(g) program based on the allegations set forth in the complaints. It is unknown why it took 14 months for OCRCL to start this investigation, and because of the delay, it is uncertain what the investigation can now uncover.

However, we hope this investigation will encourage others who have been subjected to abuse under the 287(g) program to come forward.

# ACLU-NC Defends Civil Liberties On Numerous Fronts in the NC General Assembly

The 2011 legislative session has been extremely hectic in the North Carolina General Assembly. The ACLU-NC has actively lobbied on more than 40 bills and was monitoring close to 100 bills involving a variety of civil liberties issues including reproductive freedom, privacy, students' rights, education, immigrants' rights, voting rights, religious liberty, and capital punishment. [If you would like to see how your representative or senator voted on our top-priority bills this session, we have posted the complete Legislative Report Card at \[www.acluofnorthcarolina.org\]\(http://www.acluofnorthcarolina.org\).](#)



vote can be reconsidered at any time until the final conclusion of the legislative session in 2012. Because

House this session and was referred to the Senate Judiciary-I committee, where we will continue to oppose it.

The House also passed **HB 606: Sheriff/Inspect Prescription Drug Records**, which would allow local sheriffs and their deputies unprecedented access to the state-maintained pharmaceutical database. The database is an electronic system that contains virtually all prescriptions written to individuals in North Carolina over the last five years. Under HB

606, sheriffs' offices around the state would have direct access to the database and would not have to show probable cause or obtain a warrant in order to scroll through the database. The ACLU-NC vigorously opposed this bill, but it passed the House and was referred to the Senate Rules Committee nonetheless. We will continue to oppose HB 606 in the Senate.

## Voting Rights

Of particular importance to the ACLU-NC was **House Bill 351: Restore Confidence in Government**. HB 351 would require voters to show a government-issued photo ID before being allowed to vote at the polls. In other states, it has been shown that requiring photo ID disproportionately affects African-American, Latino, elderly, and disabled voters. In addition, it creates an unnecessary barrier for all people attempting to exercise their fundamental right to vote. After Governor Perdue vetoed this bill in June, the House considered a motion to override her veto on July 26th, but that vote failed 68 - 51. It takes a vote of three-fifths of the members present and voting to override a veto.

However, because of some procedural maneuvering during the vote, House Majority Leader Representative Paul Stam (R – Wake) was able to recall the bill for reconsideration. This means that the veto override

## Privacy

In addition to the attacks on the private doctor – patient relationship (see pages 4 – 5 of this newsletter), the North Carolina House also considered two bills that would negatively impact the privacy of thousands of North Carolinians.

The first, **HB 483: DNA Samples/Additional Felonies** would expand the list of felonies for which DNA could be collected upon arrest without a warrant and prior to conviction. In 2010, the ACLU-NC doggedly fought against HB 1403, which required law enforcement to collect DNA samples from arrestees prior to conviction and without probable cause for many felonies and some misdemeanors. Despite our best efforts, HB 1403 went into effect on February 1, 2011. HB 483 is an effort to now expand the list of crimes for which DNA may be taken to add an additional 17 felonies, most of which would not involve DNA evidence. HB 483 passed the

## Education / Students' Rights

The ACLU-NC fought for and helped to achieve the passage of **SB 498: Amend Law Re: Corporal Punishment**, an extension of **HB 1682: Corporal Punishment for Children with Disabilities** which we helped to pass last year. SB 498 requires that schools send a permission slip home to all parents at the beginning of the school year giving parents the opportunity to opt their child out of being subjected to corporal punishment at all. The ACLU-NC believes that it is time to abandon the use of corporal punishment as a disciplinary measure at school, but at the very least, parents

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should be involved in determining whether their child should be struck at school.

Thirty-seven school districts out of NC's 115 still allow corporal punishment, but of those, only 15 actively use corporal punishment on a regular basis. All school districts that allow corporal punishment will now have to comply with SB 498.

The ACLU-NC opposed **HB 344: Tax Credits for Children with Disabilities** which creates a \$6,000 tax credit that parents of students with disabilities, as defined in the bill, may claim if they remove their child from public school and send their student to private school, most of which are religious schools. In order to be eligible for the credit, the student must be currently enrolled in public school and must be failing in the public school system for at least two semesters.

While the ACLU-NC understands the concerns of parents whose child with a disability is struggling in public school, we opposed this bill because it will only help students with disabilities whose parents can afford private school while diverting attention and state dollars from the lack of educational support for lower income students with disabilities still in the public school system. In addition, it opens the door to the creation of a voucher system for all

students which will likely leave lower income students underserved in the public school system, allow the use of state dollars for religious education, and deny equal access to the sound, basic education guaranteed to all students by the North Carolina Constitution. Unfortunately, HB 344 passed in the House and Senate, and the Governor allowed it to become law without her signature on July 1, 2011.

The ACLU-NC also opposed **HB 588: The Founding Principles Act** which requires that schools teach a doctrine called the "founding principles" and that, in particular, schools must teach about the "Creator-endowed inalienable rights of the people." The ACLU-NC is deeply concerned that this language will encourage certain public school districts or teachers to include religious instruction in their classes and could lead to bullying and harassment based on religion. This bill passed both chambers overwhelmingly, but the ACLU-NC Legal Foundation will continue to carefully monitor the implementation of this new curriculum in North Carolina.

### Immigrants' Rights

The ACLU-NC opposed several anti-immigrant proposals this legislative session including both **HB 36: Employers/Government Contractors Must Use E-Verify** and **SB 205: No Benefits for Illegal Aliens**. HB 36

requires most North Carolina employers to use the flawed federal E-verify system to determine eligibility to work in the United States. The database, which is maintained by the Social Security Administration, was not designed for this purpose and is notoriously error-ridden, often misidentifying authorized workers and American citizens as unauthorized to work. In addition, since having a person disallowed to start work on time can be time-consuming and costly for employers, it encourages employers to start profiling prospective employees based on ethnicity or race, only hiring those that look and sound "American" to them. Unfortunately, this bill passed both chambers and was signed into law by the Governor in June.

While undocumented immigrants are already prohibited from receiving any of the benefits contemplated by SB 205, this new bill goes beyond current law by requiring that if any government worker, including social workers or Health Department employees, "discovers" that a person is undocumented, he/she must report this to Immigration and Customs Enforcement. Not only would this lead to discrimination based on race or ethnicity, but if this bill becomes law, it would discourage families from accessing benefits for Ameri-

(Continued on page 11)



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Join the ACLU-NC's Action Alert list and receive email alerts on pending legislation, complete with bill summaries, talking points and contact information for communicating with key legislators. We need you! You will also receive our e-newsletter and announcements of upcoming events.

Please fill out this form and return it to us at ACLU-NC, P. O. Box 28004, Raleigh, NC 27611 or email the information to [aclunc@nc.rr.com](mailto:aclunc@nc.rr.com).

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**AMERICAN CIVIL LIBERTIES UNION**  
of NORTH CAROLINA

## Update from ACLU-NC's Western North Carolina Chapter

The WNC Chapter was pleased to host the ACLU of North Carolina's annual membership meeting and Board elections on May 22, 2011, immediately following the Chapter's own annual meeting and Board elections. The WNC Chapter's annual Evan Mahaney Champion of Civil Liberties award was presented to Lotte Meyerson.



Lotte and Seymour Meyerson

Lotte Meyerson's lifelong efforts toward securing civil liberties for all stem from her experiences as a Holocaust survivor and then as an immigrant to the U.S. from Germany in the 1930's, as a child. Lotte and her husband, Seymour, are former WNC Chapter Board members and are active in numerous causes in the Asheville area. Lotte founded and led Temple Beth HaTephila's social justice committee for years, and the Temple served as the location for our annual meeting. Because May 22nd was also Lotte and Seymour's 68th wedding anniversary, this event was even more special for all in attendance.



Karen VanEman (pictured at the podium) presented the Evan Mahaney Champion of Civil Liberties award to Lotte Meyerson.

Leilani Pascale, Bob Smith, and Angelica Reza Wind were elected to the Chapter Board, and Curry First became the new WNC Chapter Board Chair. Other Chapter officers are: Jim Null, Vice-Chair; Monika Wengler, Secretary; Julie Mayfield, Treasurer; and Jim Cavener, Chapter representative to the ACLU-NC Board. The Chapter will be registering voters and handing out literature at Goombay and the Blue Ridge Pride Festival in August and October, and we are planning a public educational forum for this fall.

# JOIN TODAY!

Your dues include memberships for the national ACLU, ACLU of North Carolina, and your local chapter if one exists in your region. You will also receive *Liberty*, the quarterly ACLU-NC newsletter, along with the national newsletter and other mailings. You will be able to vote in our statewide Board elections and will be invited to ACLU events like the Frank Porter Graham Awards Ceremony and the annual membership meeting. Simply fill out the form below and return it in a stamped envelope.

### Enclosed is my/our check for:

- \$5 Limited Income Membership
- \$20 Basic Membership
- \$30 Joint Membership (two people)
- \$35 Contributing Membership\*
- \$50 Joint Contributing Membership
- \$75 Supporting Membership
- \$125 Sustaining Membership
- \$1,000 Lifetime Membership
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## Introducing the two Boards of Directors of the ACLU of North Carolina and the ACLU-NC Legal Foundation:

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Unless otherwise noted, Board members listed above serve on both Boards. A (U) connotes membership on the ACLU-NC Board only, and an (LF) connotes membership on the ACLU-NC Legal Foundation Board only.

## Legislative Update (Continued)

*(Continued from page 9)*

can citizen children or others who are eligible for fear of drawing attention to an undocumented parent or relative. SB 205 passed the Senate and was referred to the House Rules Committee, where we will continue to vigorously oppose it.

### Capital Punishment

Two bills affecting capital punishment were considered by the House. One of the ACLU-NC's top priorities this session was to protect the Racial Justice Act, which we helped to pass in 2009. The Racial Justice Act gave capital defendants the opportunity to challenge their *sentence* of death if they could show that race played a substantial role in their sentence or in the district attorney's decision to seek the death penalty. This year, House Republicans used an unrelated bill as a vehicle to attempt to repeal the Racial Justice Act. **SB 9**, which originally related

to synthetic cannabinoids, had all of its original language stripped and was rewritten as the inaptly named **No Discriminatory Purpose in Death Penalty** simply to "nullify" the Racial Justice Act. SB 9 was passed by the House and referred to the Senate Judiciary-I Committee, where we will continue to vigorously oppose it.

Happily, though the House did pass SB 9, it also saw fit to pass **HB 659: Capital Procedures/Severe Mental Disability** which provides a pre-trial procedure by which a capital defendant can show a severe mental illness or disability. If the defendant can show that she or he had a severe mental disability or illness at the time the crime was committed, she or he cannot be executed, but instead will receive a life sentence without the possibility of parole. We will push for passage of this bill in the Senate next year.

## LIBERTY

*The Quarterly Newsletter of the ACLU of North Carolina*

**4 issues per year:**

January, April, August, and October

### STAFF:

**Jennifer Rudinger**, Executive Director

**Katherine Lewis Parker**, Legal Director

**Sarah Preston**, Policy Director

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**Emily-Mary Brown**, Paralegal

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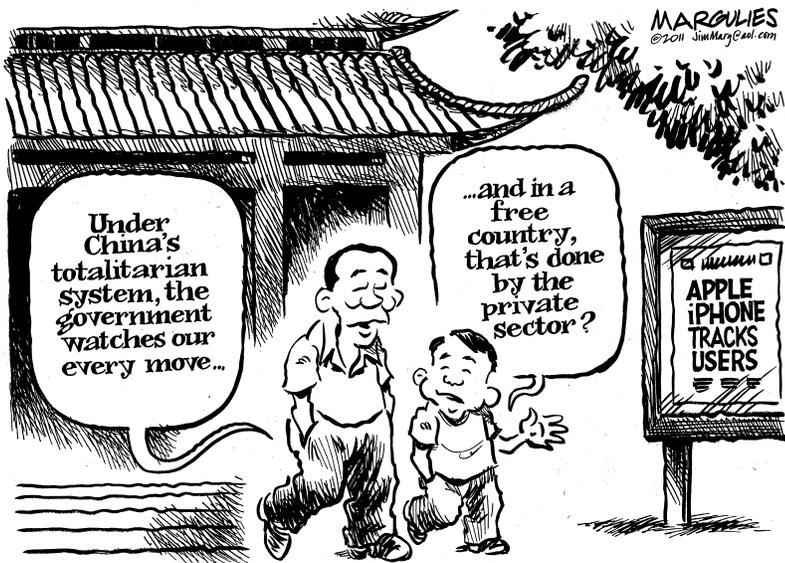
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**T**he Wake County Chapter of the ACLU is pleased to announce our annual **Finlator Award Dinner on November 10, 2011, at the N.C. State University Club.** The Chapter will present the W.W. Finlator Award to **Ian Palmquist**, past president of Equality North Carolina, for his contribution to the preservation of civil liberties, and the Wake County ACLU Civil Liberties Award to **Planned Parenthood Health Services of Raleigh**, for its extraordinary contributions to advocacy of civil liberties and social justice. The program will begin with a cocktail hour at 6 p.m. and dinner to follow at 7 p.m. For more information, and to purchase tickets, please email [wakeaclu@gmail.com](mailto:wakeaclu@gmail.com).